

§ 392.4

8 CFR Ch. I (1–1–01 Edition)

estate. In the case of a service organization acting as a representative, authorization must also have been obtained from any appointed representative. A veterans service organization must submit evidence of recognition by the Department of Veterans Affairs.

Once the Service has granted posthumous citizenship to a person, no subsequent applications on his or her behalf shall be approved, nor shall any additional original certificates be issued, except in the case of an application for issuance of a replacement certificate for one lost, mutilated, or destroyed.

(b) *Filing of application.* (1) An application for posthumous citizenship shall be submitted by mail on Form N-644, according to the instructions on the form, to the INS Service Center having jurisdiction over the applicant's state of residence. Persons residing outside the United States must mail their applications to any one of the four Service Centers.

(2) Form N-644 must be accompanied by the appropriate fee specified by and remitted in accordance with the provisions of §103.7 (a) and (b) of this chapter. The fee may not be waived or refunded. To facilitate the certification process, a legible copy of each of the following documents, if available, should be submitted with Form N-644:

(i) DD Form 214, Certificate of Release or Discharge from Active Duty;

(ii) DD Form 1300, Report of Casualty/Military Death Certificate; or,

(iii) Other military or State-issued death certificate.

(c) *Application period for requesting posthumous citizenship.* Form N-644 shall be filed with the appropriate INS Service Center not later than March 5, 1992, or 2 years after the date of the person's death, whichever date is later.

(d) *Denial of application.* When the application is denied, the applicant shall be notified of the decision and the reason(s) for denial. There is no appeal from the denial of an application under this part.

§ 392.4 Issuance of a certificate of citizenship.

(a) *Approval of application.* If the application (Form N-644) is approved, the director of the Service Center shall

issue a Certificate of Citizenship, Form N-645, to the applicant, in the name of the decedent.

(b) *Delivery of certificate.* Delivery of the Certificate of Citizenship shall be made by registered mail to the address designated by the applicant. If the applicant resides outside the United States, the certificate shall be sent by registered mail to the Service office abroad, if one is located where delivery is to be made; otherwise, it shall be forwarded to the nearest American Embassy or Consulate.

(c) *Effective date of citizenship.* Where the Service has approved an Application for Posthumous Citizenship (Form N-644), the decedent shall be considered a United States citizen as of the date of his or her death.

(d) *Ineligibility for immigration benefits.* The granting of posthumous citizenship under section 329A of the Immigration and Naturalization Act, as amended, and issuance of a certificate under paragraph (a) of this section, shall not entitle the surviving spouse, parent, son, daughter, or other relative of the decedent to any benefit under any provision of the Act. Nor shall such grant make applicable the provisions of section 319(d) of the Act to the surviving spouse.

(e) *Replacement certificate.* An application for a replacement Certificate of Citizenship (Form N-645) shall be made on Form N-565, Application for a New Naturalization or Citizenship Paper, for a lost, mutilated, or destroyed certificate. Form N-565 shall be completed according to the instructions on the form and submitted by mail with the appropriate fee to the INS Service Center having jurisdiction over the applicant's state of residence. Persons residing outside the United States must mail their application to the Service Center that issued the original certificate.

PART 499—NATIONALITY FORMS

AUTHORITY: 8 U.S.C. 1103; 8 CFR part 2.

§ 499.1 Prescribed forms.

The forms listed below are prescribed for use in compliance with the provisions of subchapter C of this chapter.